

**CITY OF NORTH LAS VEGAS
SPECIAL CITY COUNCIL
STUDY SESSION MINUTES**

January 19, 2005

CALL TO ORDER: 4:35 P.M.

ROLL CALL: **COUNCIL PRESENT:**

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilwoman Stephanie S. Smith
Councilman Shari Buck
Councilman Robert L. Eliason

STAFF PRESENT:

City Manager Gregory Rose
Assistant City Manager Dan Tarwater
City Attorney Sean McGowan
City Clerk Karen L. Storms
Finance Director Phil Stoeckinger
Parks & Recreation Director Michael Henley
Planning and Development Director Jory Stewart

VERIFICATION: Karen L. Storms, CMC
City Clerk

BUSINESS:

1. **DISCUSSION AND/OR DIRECTION REGARDING THE PROPOSED CITY POLICY
8.06, COLLECTIONS POLICIES AND PROCEDURES.**

Finance Director Phil Stoeckinger stated a proposal was prepared to establish a formal comprehensive policy in conjunction with the collection policies and procedures that were unique to the areas of Utilities and Municipal Court which were Enterprise Funds. The proposal outlined the City's policies pertaining to collections and accounts receivable, as well as other obligations due the City. Collection fees and interest charges for late payments were addressed in the proposal and a write-off policy was established for receivables and annual reporting to the City Manager, Mayor and Council.

Director Stoeckinger said the proposed policy established the Finance Director's responsibility to administer the collection processes, the fees for the collection agencies and the responsibility for forwarding the write-offs to the City Manager, Mayor and Council. He said the policy provided employees detailed guidelines for invoicing and sending out past due notices. Director Stoeckinger stated this system would be more centralized and provided a more comprehensive reporting process. He said this system could apply to all City accounts and other monies due the City, even though there were separate policies and procedures in place.

Director Stoeckinger said he would like Council to adopt a new Ordinance 2061 which authorized the City Manager or designee to address delinquent accounts and established the right to impose a reasonable collection fee. He said this was in accordance with other governmental entities in the Valley.

Director Stoeckinger asked Council to approve Resolution 2297 which would adopt Policy 8.06, Collections Policies and Procedures, to include Utilities and Municipal Court.

Mayor Montandon asked if the Council would receive an annual report on the write-offs, if the write-offs would be included on credit reports and if extended credit would be issued to the delinquent accounts. Director Stoeckinger said there would be a data base created to track the written-off accounts kept in perpetuity.

Mayor Pro Tempore Robinson asked if it would be possible to put liens on the delinquent accounts. Director Stoeckinger responded there was a tracking mechanism available for that purpose.

Mayor Montandon asked if there was a database available to provide notification when a written-off account applied for a building permit or water hook-up. City Manager Rose said the City would ensure that was included in the process and the City intended to work closely with a collection agency to encourage people to pay by letting them know it would affect their credit rating. Director Stoeckinger said the collection policy would ensure no further credit would be extended to the delinquent accounts.

Councilman Eliason asked Director Stoeckinger if it would be the collection agency's responsibility to notify the credit reporting agencies; Director Stoeckinger responded it would.

ACTION: STAFF DIRECTED TO BRING ORDINANCE AND RESOLUTION BACK FOR APPROVAL

2. DISCUSSION AND/OR DIRECTION REGARDING PROPOSED AMENDMENTS TO TAVERN REQUIREMENTS IN THE NORTH LAS VEGAS MUNICIPAL CODE TITLE 17 (PLANNING AND DEVELOPMENT) AND TITLE 5 (LIQUOR CONTROL).

City Attorney Sean McGowan said last year Council changed some tavern provisions, primarily in the area of proximity to churches, schools and City parks. He said it was still necessary to make more changes and another workshop was held to discuss certain issues that needed clarification and codification. He said Senior Deputy City Attorney Jim Lewis prepared a draft for Council to consider for one final discussion before introduction.

Senior Deputy City Attorney Jim Lewis said several questions were asked about having different classifications of bars, a bar only, a restaurant and bar or a supper club. He said one of the changes was the addition of the classification of saloon which would consist of a bar, most likely 15 slot machines and nothing else. There was also a restaurant-tavern classification where the requirement would be that the bar area and the restaurant area were of equal size. The draft included a proposal that the bathroom areas were next to the restaurants in the restaurant-taverns and a mandated separation between the restaurant area and the bar area. Other changes were the special use permit expiration periods wherein the tavern special use permits expired after one year instead of six months. The supper club special use permits expired after two years as opposed to six months. He stated some of the proximity distance restrictions had been clarified with regard to tavern-to-tavern, supper club-to-tavern, casino-to-tavern, tavern-to-casino and the commercial center exception. He said a floor plan submission was required under the new code so when an application came in, the floor plan would be there for Council or Planning Commission members to review.

Senior Deputy City Attorney Lewis stated there was a change to the waiver for the adequate barrier. Originally, schools, churches, parks and child care facilities were separated by 1500 feet but if there were an adequate barrier between them, the bar owners could apply for a waiver. Staff had requested the Planning Commission hear the waiver requests along with the saloon or restaurant/tavern special use permits to keep the process moving more efficiently. There would also be a change in the saloon justification requirement for a super majority vote of the Planning Commission to include extensions of time.

Mayor Montandon suggested the elimination of the super majority of the Planning Commission and the addition of "approval of Planning Commission and Council" so everything came before both entities. He said it eliminated the problem with the waiver issue as the waiver was included.

Mayor Montandon said he felt the saloon justification requirement was redundant and not applicable in certain instances where the business was just a saloon with no restaurant or supper club. Senior Deputy City Attorney Lewis said the requirement was there in the event Council decided a saloon was appropriate in one area but not in another area. A restaurant/tavern permit could be granted with all requirements that accompanied it.

Mayor Pro Tempore Robinson asked if it was determined what the necessary barrier would be for the waiver. Senior Deputy City Attorney Lewis responded there was a requirement for a right-of-way of 120 feet or greater and a physical barrier, such as a flood control channel or a dirt mound, that separated the saloon from the church or school preventing the saloon customers easy access to the church or school. Mayor Pro Tempore Robinson said his main concern was the customers who had consumed alcohol driving near the church or school. Senior Deputy City Attorney Lewis said it was up to Council to decide whether or not to grant the waiver and lessen the distance.

Councilwoman Smith expressed concerns about slot machines and suggested the number of slot machines be determined by the type of business, i.e. two slot machines for a saloon, three for a tavern/restaurant and 15 for a restaurant or supper club. The reason for this was to encourage more restaurants or supper clubs to move into the area. Senior Deputy City Attorney Lewis said there was a state law which determined how many slot machines were permitted in businesses but Title 5 permitted varying numbers of slot machines in supper clubs. Councilwoman Smith suggested taverns be limited to three slot machines since state law stated a tavern may house up to 15 slot machines. Senior Deputy City Attorney Lewis stated he would research the laws determining the number of slot machines in taverns and restaurants.

Councilman Buck asked if the proposed policy changes would eliminate the previous requirements for special use permits. Senior Deputy City Attorney Lewis said the changes assisted the Planning Commission with regard to the taverns because they set the floor at 50% tavern, 50% restaurant; determined where the bathrooms were located; and how the area was calculated. The changes let the Planning Commission know what requirements were important when approving permits for restaurant/taverns.

Councilman Buck asked about pony walls and meeting rooms being included in the proposal. Senior Deputy City Attorney Lewis responded the procedural code still contained language for special use permit applications but reasonable conditions could be added. He said he could not say the Planning Commission would not add another condition but said the proposed policy changes gave guidance to the Planning Commission and allowed the City Council to determine the final action.

Councilman Buck asked about the criteria necessary to receive a special use permit for a tavern and how an applicant met those criteria. Senior Deputy City Attorney Lewis responded the application for a special use permit was actually a letter of intent which outlined the reasons the applicant met the criteria. The justification requirement was just another method of determining if another bar should be opened in a certain area.

Councilman Buck asked if there could be a tavern built in an area where there was currently a tavern/restaurant. Senior Deputy City Attorney Lewis responded if the proposal passed as written, another tavern could not be built. Councilman Buck asked if it would be appropriate to have a barrier waiver for another tavern if one for the churches, schools and day cares was already in effect. Senior Deputy City Attorney Lewis responded he would look into that issue but the rationale for the 1500-foot barrier was to decrease the number of taverns in the City. He said at the time there was no waiver available for tavern-to-tavern or saloon-to-tavern. Councilman Buck asked if a supper club could be built within the 1500 feet and Senior Deputy City Attorney Lewis responded it could.

Councilman Buck commented if someone wanted to open a tavern within 1500 feet but on the other side of the freeway, she would not be opposed to it. Councilwoman Smith added that would fall under the barrier exception but Senior Deputy City Attorney Lewis said the barrier exception did not apply to tavern-to-tavern. He commented that would be changed in this proposal if Council opted to do so. Councilman Buck asked if Council could deny the tavern or saloon for any reason even if the barrier waiver was applied. Senior Deputy City Attorney Lewis responded Council could deny the request.

Councilwoman Smith expressed her concerns about adding the barrier exception for tavern-to-tavern to the above proposal. Senior Deputy City Attorney Lewis offered to add more stringent language to the proposal to say the barrier exception would apply to tavern-to-tavern only if they were separated by I-15 or I-215. Councilwoman Smith said she would be more amenable to that verbiage added to the proposal.

Councilman Eliason asked if requests for special use permits could be brought directly to Council rather than going before the Planning Commission first. Senior Deputy City Attorney Lewis responded state law did allow Council to dictate to the Planning Commission which items they would review. If Council decided they wished to be the governing body to grant special use permits, state law permitted them to do so. Mayor Montandon said it would be easier for the Planning Commission and for the homeowners who only had to appear before Council one time.

ACTION: STAFF DIRECTED TO BRING ORDINANCE BACK FOR APPROVAL

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

The meeting was adjourned at 5:08 P.M.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith,
Buck and Eliason

NAYS: None

ABSTAIN: None

APPROVED: APRIL 6, 2005

Mayor Michael L. Montandon

ATTEST:

Karen L. Storms, CMC
City Clerk